



The Comptroller General  
of the United States

Washington, D.C. 20548

## Decision

Matter of: Instrument Control Service

File: B-229988

Date: March 8, 1988

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### DIGEST

Allegation that awardee was afforded an opportunity to review the protester's proposal is regarded as mere speculation where no evidence is submitted to support the allegation.

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### DECISION

Instrument Control Service (ICS) protests the award of a contract to the Bionetics Corporation under request for proposals (RFP) No. F42650-87-R-0057, issued by the Ogden Air Logistics Center, U.S. Air Force, to operate and maintain the Precision Measurement Evaluation Laboratory (PMEL) at Hill Air Force Base, Utah. ICS contends that the source selection process was compromised by exposure of its proposal.

We dismiss the protest.

ICS alleges that, according to a source at Hill Air Force Base, the incumbent Bionetics' site manager stated that he had been shown ICS's proposal during the evaluation phase of source selection and that it was too close to Bionetics' proposal for comfort. ICS contends that, if the Bionetics manager had seen its technical proposal and manning plan prior to the best and final offer submission, Bionetics would have had an unfair advantage by having the opportunity to adjust its manning plan and cost to come in below ICS's best and final offer.

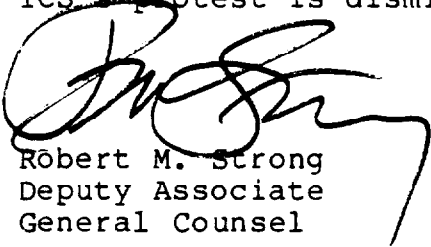
The Air Force reports that it interviewed the Bionetics site manager, all members of the technical evaluation team, and the two clerical personnel assigned to the PMEL branch. The site manager emphatically denied ICS's allegation, and statements by the other personnel indicated that no compromise in source selection took place.

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ICS has presented no probative evidence that Bionetics was afforded an opportunity to review its proposal. Without such evidentiary support, we think that ICS's allegation is speculative. Electronics in Medicine, Inc., B-225388, Dec. 24, 1986, 86-2 CPD ¶ 716. We note that the fact that the successful offeror, as here, reduces its price in the course of making its best and final offer does not establish that prices have been revealed. Key Book Service, Inc., B-226775, Apr. 29, 1987, 87-1 CPD ¶ 454.

ICS has requested reimbursement for its proposal preparation costs and its anticipated profits. Since ICS's protest is dismissed, there is no decision on the merits and thus, no basis for award of costs. Brownell & Company, Inc.--Request for Reconsideration, B-225784.4, Aug. 20, 1987, 87-2 CPD ¶ 182. Further, there is no legal authority that permits the recovery of anticipated profits, even in the presence of wrongful action. Consolidated Devices, Inc., B-228065, Aug. 24, 1987, 87-2 CPD ¶ 201.

ICS's protest is dismissed and the claim denied.



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